

## **2013 MTSBA Resolutions**

**Adopted by Delegate Assembly**

**June 7, 2013**

### **Summary of MTSBA's Resolutions as adopted by Delegate Assembly:**

**Part I.** BE IT RESOLVED that MTSBA develop and adopt a resolution that will carry forward from year to year through the 2017 Legislative Session, specifying the process to be followed and the topics to be addressed by the K-12 Vision Group. This is done through Resolution 1 below.

**Part II.** BE IT RESOLVED that MTSBA's funding priorities be focused first on recommendations of the K-12 Vision Group – with those recommendations to be developed during the 2015 Interim. MTSBA had a resolution that outlined specific objectives for the 2013 Session that were largely achieved. That same model is what is envisioned in preparation for the 2015 Session through a resolution recognizing the work of the K-12 Vision Group.

**Part III.** BE IT RESOLVED that MTSBA use remaining time and resources available after pursuit of the recommendations of the K-12 Vision Group on other issues raised by the membership to be addressed to the extent practical after resources are committed to achieving the priorities identified by the K-12 Vision Group. The resolutions in this Part are MTSBA priorities to be addressed, but not to overshadow the considerations in Parts I and II.

**Part IV.** BE IT RESOLVED that MTSBA retain the carry over resolutions adopted by the membership last year with their current designations and undertake the actions called for under such resolutions in the same manner and subject to the same limitations as recommended for resolutions approved by the membership under Part III above.

### **Part I: Resolution 1 -- K-12 Vision Group – Process to be Followed from 2012-2017 - The MTSBA Membership recommends adoption of a resolution specifying an ongoing process for convening the K-12 Vision Group from year to year – as adopted by the 2013 Delegate Assembly:**

1. MTSBA will continue to convene the K-12 Vision Group on an ongoing basis through the 2017 Legislative Session to provide continuing guidance and recommendations aligned with the "Vision for Public Education in Montana" developed by the K-12 Vision Group in 2012. The work of the K-12 Vision group shall be designed to culminate with consensus recommendations regarding the definition of the basic system of free quality schools that is scheduled to be reviewed by the Legislature during the 2017 Legislative Session pursuant to 20-9-309, MCA.
2. The membership of the K-12 Vision Group will continue to include trustees, business managers, teachers and administrators representing all MTSBA caucus groups and shall be annually revised and/or renewed prior to November 1, to incorporate nominations from the School Administrators of Montana, Montana Rural Education Association, MEA-MFT, and Montana Association of School Business Officials.

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3. MTSBA shall extend the opportunity for full collaborative partnerships in facilitating the ongoing work of the K-12 Vision Group to SAM, MREA, MASBO and MEA-MFT.
4. MTSBA shall facilitate the K-12 Vision Group's work using knowledge-based decision making processes, emphasizing careful, deliberate and comprehensive analysis of issues, the use of open dialogue (the purpose of which is to inform) prior to deliberation (the purpose of which is to decide), pursuit of insight regarding what the involved groups' members want, need and prefer, and consideration of the ethical implications of our choices and mitigation of disadvantage to certain aspects of the respective groups' members that might be caused by recommendations made by the K-12 Vision Group.
5. MTSBA shall seek to collaborate with and inform legislators from both political parties as well as key representatives of the offices of the Governor, the Board of Public Education and the Superintendent of Public Instruction of the progress and ongoing work of the K-12 Vision Group to ensure open communications and the availability of legislative and executive branch perspectives regarding such work.
6. MTSBA shall start to engage other external stakeholders outside of public education circles to increase awareness of the work of the K-12 Vision Group and to identify common interests and goals and opportunities for collaboration. There should be no static identification of "outside interest" groups but rather a process for highlighting broad public awareness of the work of the K-12 Vision Group and emphasizing an open invitation for the public to weigh in on such work. This might be accomplished, for example, through a combination of public opinion polling, facilitated community dialogue, outreach to business, higher education and other community leaders and public awareness campaigns. The key will be to ensure that we generate broad public support for the recommendations of the K-12 Vision Group over time.
7. The work of the K-12 Vision Group shall be focused on the following:
  - a. A global look at the current funding formula for schools with an eye toward determining how the formula could be simplified, made more responsive to need, equitable and adequate to allow schools throughout the state to provide the basic system of free quality schools as that term is defined in 20-9-309, MCA. Specifics to be reviewed as part of the global look at the formula shall include:
    - i. Whether the formula sufficiently promotes local control. If not, recommendations should be developed regarding how the formula could be improved to better vest authority in the elected trustees to make financial decisions.
    - ii. Review of weighting adjustments in current formula and identify possible enhancements. This inquiry shall include analysis of what other states do to account for economies of scale and address needs of school systems in different circumstances.
    - iii. Whether the current formula is sufficiently responsive to the educationally-relevant factors identified in 20-9-309, MCA, including:
      1. the number of students in a district;
      2. the needs of isolated schools with low population density;
      3. the needs of urban schools with high population density;
      4. the needs of students with special needs, such as a child with a disability, an at-risk student, a student with limited English

- Designation: Action**

In anticipation of the work of the K-12 Vision Group through the 2015 Interim, any potential resolution(s) for Part II are “under development”.

## **Resolution Number 2 – Capital Facility Needs**

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We encourage state support maintaining local control, and ensuring full funding for programs such as the state Facility Guaranteed Mill per ANB funding, as well as new initiatives that might be developed in the future.

We believe that this resolution is important to the needs of students in districts across the state of Montana.

**Designation: Action**

### **Resolution Number 3 – Alignment of Accreditation Standards and Funding**

BE IT RESOLVED that MTSBA work to regularly monitor changes in accreditation standards and work to ensure appropriate alignment between the accreditation standards adopted by the Board of Public Education and funding appropriated by the Montana Legislature to assist school districts in implementing such standards. MTSBA shall pursue such alignment either through opposition to unfunded or underfunded changes or through pursuit of funding necessary to allow school districts to comply with such standards, including but not limited to recent and pending changes to chapter 55 of the Board of Public Education's administrative rules and the Board of Public Education's recent adoption of common core standards.

**Designation: Action**

### **Resolution 4 -- MTSBA Position on School Privatization Legislation**

BE IT RESOLVED that MTSBA take the following positions with regard to school privatization legislation of any kind by the Legislature:

1. That MTSBA work to ensure that elected school boards in member school districts are empowered to innovate and adapt public school offerings to best meet the needs of students and to fully develop the educational potential of each student in the public schools as envisioned by the Constitutional framers in writing Article X, Section 1 of the Montana Constitution.
2. That MTSBA work to ensure continued supervision and control of all publicly funded K-12 education in Montana by existing school boards in current member districts who are subject to popular election to ensure that publicly-funded K-12 education remains accountable to citizens in each community through oversight by volunteer elected trustees.
3. That MTSBA oppose any attempts to fund private K-12 education, including sectarian and non-sectarian private schools and home schools through public means and that MTSBA interpret "public means" to include but not necessarily be limited to any appropriation, tax credit, voucher or any other financial incentive or construct mandated or allowed by law or proposed in any bill or initiative. Guidance on MTSBA's position and efforts are to be derived from but not limited to the language of Article X, Section 6 (Aid prohibited to sectarian schools) and applicable interpretations of this provision by the Montana Supreme Court and other courts interpreting similar language in their respective state constitutions.



4. That MTSBA work to ensure that any school choice legislation be limited to public school choice and comply with and afford every student in every public school with all constitutional rights specified in Article X of the Montana Constitution and access to a public education that complies with the definition of the basic system of free quality schools adopted by the Legislature in 20-9-309, MCA.
5. That MTSBA actively and vigorously oppose any legislation failing to meet the standards set forth in 1 through 4 above and pursue enforcement of the constitutional provisions referenced in this resolution through any lawful means.

### **Constitutional References:**

Section 1. Educational goals and duties. (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

Section 6. Aid prohibited to sectarian schools. (1) The legislature, counties, cities, towns, school districts, and public corporations shall not make any direct or indirect appropriation or payment from any public fund or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination.

Section 8. School district trustees. The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law.

### **Designation: Action**

## **Part IV: Ongoing Carry Over Resolutions**

### **Resolution 5 -- More Efficient and Effective Governance of School Districts**

WHEREAS, school districts have learned from experience that there are many areas of statute and rule that do not allow for flexibility or in efficient operations at the local level. School elections, student discipline, and open meeting law are examples of areas of policy that have been reviewed and improved for the benefit of school districts.

WHEREAS, as a matter of equity, school districts who contract for transportation services should be treated the same as districts who own their buses and are exempt from state fuel taxes, and

WHEREAS, School districts should be able to utilize the best available technology and use cost-effective means in meeting the requirement to store records, but currently operate under restrictions imposed by statute and by the Local Government Records Committee. HJ 2 will study electronic records management and storage during the Interim prior to the 2015 Session.

WHEREAS, the 2011 Legislature passed legislation and provided funding for districts across

the state to create operational efficiencies by optimizing resources through regional multi-district cooperatives/regional resource centers with the intent that districts of all sizes would cooperate together in areas such as, but not limited to, 1) Instruction and Professional Development, 2) Curriculum and Assessment, 3) Support Services; Transportation and Food Services, 4) Facilities and Grounds, 5) Educational Support (Instruction), 6) Extra-Curricular, 7) Technology, and 8) Administration, Personnel, Business & Finance

THEREFORE BE IT RESOLVED that the Montana School Boards Association, in the interest of more efficient and effective governance, the optimization of resources, as well as enhancements to and revival of local control, call on Delegates to engage in discussions at the local board table related to efficiencies, optimization of resources efforts, and identification of implementation barriers to create efficiencies, and bring them to the attention of MTSBA and the legislature for the establishment of appropriate laws to allow districts to become as efficient and effective as possible.

**Designation: Action**

**Resolution 6 -- Federal Issues Important to Montana**

BE IT RESOLVED that the Montana School Boards Association will work with the Montana Congressional Delegation in support of full federal funding of special education (IDEA).

BE IT RESOLVED that the Montana School Boards Association will communicate with the Montana Congressional Delegation regarding our continued opposition to school vouchers in any form.

BE IT RESOLVED that the Montana School Boards Association will work with the Montana Congressional Delegation during the reauthorization of any education legislation in support of adequate funding and to ensure that the implementation of the federal legislation is reasonable for Montana school districts.

BE IT RESOLVED that the Montana School Boards Association support a stronger voice for rural education at the federal level that includes the establishment of an Office of Rural Education Policy within the U.S. Department of Education to recognize the unique challenges facing rural schools and that federal policies should balance the needs of urban and rural school districts.

BE IT RESOLVED that the Montana School Boards Association will communicate with the Montana Congressional Delegation regarding the concern of Montana school districts over a drop in federal funding for important programs such as Title I and other Title programs and the impact these reductions could have on local and state funding of current education priorities.

BE IT RESOLVED that the Montana School Boards Association will advocate for maintenance of local supervision and control over federal funds allocated to Montana's public schools and oppose provisions in federal/national legislation, regulation or other



standards that would denigrate local control of Montana's public schools.

BE IT RESOLVED that the Montana School Boards Association will support additional federal resources for capital or operational programs only to the extent that these programs are not unfunded mandates or under-funded programs.

**Designation: Support**

### **Resolution 7 -- County and School Finance Resolution**

Whereas, collection, receipt and distribution of a variety of federal, state and local school funds is largely handled through counties; and

Whereas, elected school boards have a fiduciary responsibility to their communities through their supervision and control of K-12 public education as provided under Article X, Section 8 of the Constitution; and

Whereas, there are a myriad of laws providing a variety of procedures for the handling and distribution of school funds by county officials; and

Whereas, this lack of consistency increases the likelihood of errors and conflicts between county and school officials in the handling and distribution of school funds by county officials; and

Whereas, MTSBA should pursue greater consistency and efficiency in the laws governing the handling and distribution of school funds by county officials;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That MTSBA research and prepare a report regarding all circumstances in current law where county officials collect, handle or distribute school funds under current law. MTSBA shall use its research as an advocacy tool and shall distribute a final report to the membership.

That MTSBA pursue legislation that will ensure a consistent, accountable process for the collection, handling and distribution of school funds by county officials and which will ensure that school boards can fulfill their fiduciary responsibility to their communities. Specific measures in such legislation shall include, but shall not be limited to:

A process for ensuring a timely, accurate, electronic accounting and allocation of all school funds held by county officials comparable to the level of services available from private banks and other private financial institutions.

Greater flexibility for school districts in taking control of their finances directly and contracting with private financial institutions for same.

A process whereby school districts are involved in negotiations between taxpayers and the Montana Department of Revenue when settling tax disputes that could affect the tax base of the district.

A process for ensuring that schools are allocated their proportional share by formula rather than by discretion of county officials, including but not limited to the following programs:

Payment in lieu of taxes pursuant to Title 7, Chapter 6, Part 1;

Allocation of forest reserve funds and other federal funds pursuant to Title 17, Chapter 3, Part 2, MCA;

Allocation of federal funds to school food service programs pursuant to 20-10-205, MCA;

Allocation of federal funds under the Secure Rural Schools and Community Self-Determination Act.

**Designation: Action**

## **VI. 2013 Resolutions (continued)**

### **b. New Proposed Resolutions – adopted by Delegate Assembly**

#### **Adopted Resolution #8 – Open Meeting Laws**

**RESOLUTION** for submission to the Montana School Boards Association for their consideration

WHEREAS the Constitution of the State of Montana provides for public participation in and observation of the working of the government, and

WHEREAS the legislature has enacted certain laws to implement the Constitutional provisions, these laws collectively are referred to as “open meeting laws,” and

WHEREAS School District Boards of Trustees are anxious to comply with the letter and spirit of the Constitution and these laws, and

WHEREAS the laws as currently written do not fully or clearly address some open meeting issues which arise in School Districts,

**THEREFORE, BE IT RESOLVED** THAT THE MONTANA SCHOOL BOARDS ASSOCIATION COLLECT information from member School Districts about the issues they face in complying with open meeting laws, and  
ANALYZE current law to determine if and how the law might provide greater clarity in addressing these issues, and  
PROPOSE legislation for the 2015 legislative session to implement these clarifications.



**Designation: Action**

**Adopted Resolution #9 – Allow Expansion of Elementary Districts**

WHEREAS, the right to vote to assert the will of the people is fundamental to our democracy; and

WHEREAS, the right to assert local control by elected school boards is fundamental to our Montana Constitution; and

WHEREAS, the current organization of schools statewide is limited by demographics, and

WHEREAS, changing growth patterns have been acknowledged and addressed by the Montana Legislature in a variety of ways; including but not limited to: the system of basic entitlement, the three year averaging of the Average Number Belonging (ANB), and funding for unusual enrollment increases. These funding components are designed to help local schools provide a quality education while maintaining local control despite changing populations; and

WHEREAS, the education system in Montana is constantly adapting to the changing demographics in our state. The Montana Digital Academy and activities cooperatives are examples of how schools have changed to allow students increased educational opportunities while maintaining hometown schools and local control by school boards; and

WHEREAS, the majority of Montanans including: parents, local school board trustees, elected local officials, and state legislators have established that hometown schools are a fundamental part of the Montana educational system; and

WHEREAS, the history of current school districts and the unpredictability of growth patterns has created a situation where there have evolved several distinct population areas that are much larger than the majority of existing high school districts but currently under state law do not have the ability to develop a high school of their own; and

WHEREAS, business owners and local officials in these growing areas support the idea of hometown schools, believing that adding a high school to their communities would be a boost to business and the continued growth in the area; and

WHEREAS, the citizens of these growing communities wish to have the ability to evaluate and decide locally whether or not a hometown high school is a viable option in addressing the changing demographics of their communities; and

WHEREAS, expansion from a K-8 to a K-12 district is expressly denied in these growing communities by the criteria set forth in MCA 20-6-326. This law prevents the citizens in communities that currently do not have high schools from exploring the possibility of adding a hometown high school that would fall under the local control of their community and school board.

NOW THEREFORE BE IT RESOLVED that the MTSBA supports local control and is resolved to formally assist in the development of legislation that would change state law regarding expansion into a K-12 district. These proposed changes would allow local school board trustees and taxpayers to have the opportunity to vote and exert local control when considering high school organization due to the changing demographics of their communities. MTSBA will also work with all member districts to develop a mechanism for said expansion that would mitigate any negative impact on involved school districts, including the currently established high school districts.

**Designation: Action**

### **Adopted Resolution #10 – Extension of Leasing Period**

Be it resolved that MTSBA seek to increase the authority and flexibility of school districts in executing lease/purchase agreements for real and personal property, including but not limited to removal of the three year limit on such agreements under current law.

**Designation: Action**

### **Adopted Resolution #11 -- School District Bonding Limits**

Whereas, many school districts are facing the inability to go to their local voters for approval to upgrade and construct school district facilities; and

Whereas, upgrading the current limit on bonding capacity should have no ill effects on state bond rating nor on individual school districts' ability to bond; and

Whereas, taxable value in school districts has expanded at a far smaller rate than market value; and

Whereas, the Governor committed to reevaluating a more modest version of HB 301 if other new tools passed during the 2013 were insufficient,

Therefore Be It Resolved, that MTSBA work with the Governor, the Legislature, bond counsel, and our other education partners to come up with a new limitation on bonding authority that will meet the facilities needs of districts and work to support legislation in the 2015 Session to provide school districts with the ability to request funding from local taxpayers to meet those needs.

**Designation: Action**